

ATTACHMENT A

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No.	Patent Under Reexamination	
	90/007,223	6618998	
	Examiner	Art Unit	
	Jimmy G. Foster	3993	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

1. ☒ Prosecution on the merits is (or remains) closed in this ex parte reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of

(a) ☒ Patent owner's communication(s) filed: 28 December 2005.

(b) ☐ Patent owner's late response filed: _____.

(c) ☐ Patent owner's failure to file an appropriate response to the Office action mailed: _____.

(d) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).

(e) ☐ Other: _____.

Status of Ex Parte Reexamination:

(f) Change in the Specification: ☐ Yes ☒ No

(g) Change in the Drawing(s): ☐ Yes ☒ No

(h) Status of the Claim(s):

(1) Patent claim(s) confirmed: 14-20.

(2) Patent claim(s) amended (including dependent on amended claim(s)): 11-13, 21 and 22

(3) Patent claim(s) cancelled: 1-10.

(4) Newly presented claim(s) patentable: _____.

(5) Newly presented cancelled claims: _____.

2. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."

3. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).

4. ☒ Note attached LIST OF REFERENCES CITED (PTO-1449 or PTO/SB/08).

5. ☐ The drawing correction request filed on _____ is: ☐ approved ☐ disapproved.

6. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have

☐ been received.

☐ not been received.

☐ been filed in Application No. _____.

☐ been filed in reexamination Control No. _____.


☐ been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.

7. ☐ Note attached Examiner's Amendment.

8. ☐ Note attached Interview Summary (PTO-474).

9. ☐ Other: _____.


 Jimmy G. Foster
 Primary Examiner
 Art Unit: 3993

cc: Requester (if third party requester)

U.S. Patent and Trademark Office
PTOL-469 (Rev.9-04)

Notice of Intent to Issue Ex Parte Reexamination Certificate

Part of Paper No 20060119

UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE


REEXAMINATION
REASONS FOR PATENTABILITY / CONFIRMATION

Reexamination Control No. 90/007,223

Attachment to Paper No. 20060119.

Art Unit 3993.

See Continuation Sheet


(Examiner's Signature)

PTOL-476 (Rev. 03-98)

Continuation Sheet (PTOL-476)

Reexamination Control No. 90/007,223

Continuation of Comment:

The examiner has reviewed each of the prior art references of Johnson (U.S. Pat. No. 3,244,222), Turner, (U.S. Pat. No. 2,379,120), Kavchar (U.S. Pat. No. 6,116,321), and Herbst et al. (U.S. Pat. No. 4,311,163), cited in the reexamination request, as well as all of the prior art references of record in the patent, and all other prior art cited during prosecution of this reexamination proceeding.

With specific regard to the Johnson patent which was applied in the last Office action, it is no longer considered to be an accurate interpretation of Johnson to interpret that the edge frame 40 (which was considered to read on the claimed elongated insert attachment member, elongated feed assembly, or elongated engagement member) has its ends extending into the fabric tracks defined by the cover strips 112,114, and between the weather stripping defined by the protruding sections 109,111 and the pressure pads 115 in the fabric tracks. It is clear from the showing of edge frame 40 in Figure 1 of the Johnson reference that length of the edge frame is too large to permit the ends thereof to slide in the fabric tracks. Accordingly, the description of Johnson at column 2, lines 25-28 does not disclose that the edge frame 40 has a length equal to the width of the screen material. Additionally, it is doubtful that the construction of the fabric tracks 112,114, which is shown in Figure 2, would be capable of receiving the cross-section of the edge frame 40, which is shown in Figure 3. Moreover, it is reasonable to consider that even if the cross-section of edge frame 4 could be received in the fabric tracks, Johnson would not disclose receiving the edge frame in the tracks since this would not likely prevent the disclosed functioning of the stops 109,111 of providing a screen-tightening action and an engagement of the screen (see col. 3, lines 37-58).

Regarding amended claim 11 and the dependent claims therefrom, the prior art teaches engaging an elongated insert attachment member, which is carried by the end of a retractable sheet material (such as a screen), to an insert (such as a glass insert), such as disclosed for example with respect to Figure 3 of Johnson (U.S. Pat. No. 3,244,222). Additionally, the prior art teaches providing an insert attachment member that will be slidably received in fabric tracks along with the fabric, such as disclosed for example with respect to Figure 4 of Kemp (U.S. Pat. No. 2,107,755). The prior art also teaches providing weather stripping, having different weather stripping elements, in a fabric track, between which the edge of a fabric extends, such as disclosed for example in the published Meshlock publication (see publication "New, Inclined Brushes for insect screens, Meshlock," Reddiplex Group Plc.) and with respect to Figure 7 of Kemp (U.S. Patent No. 5,392,835). Further, the prior art teaches including an L-shaped part on an attachment member, such as with a part of element 40 of Johnson, again as shown in Figure 3.

However, the prior art fails to teach or fairly disclose spaced apart ends of an insert attachment member, extending into and sliding between weather stripping in each one of two fabric tracks, wherein the weather stripping includes different weather stripping elements, as part of a combination set forth in amended claim 11, and such would not have been obvious from any appropriate combination of the prior art of record.

Regarding claim 14 and dependent claims therefrom, the prior art does not teach or fairly suggest, and it would not have been obvious to provide, a combination that includes an elongated feed assembly at the free end of a screen, which elongated feed assembly has an elongated L-shaped connector element slidably engaged with an elongated section of an insert, and that includes a sliding relationship of ends of the elongated feed assembly between facing portions of weather stripping of in each of two fabric tracks, as part of a door such as claimed.

Regarding claim 21 and dependent claim therefrom, the prior art does not teach or fairly suggest, and it would not have been obvious to provide, a combination that includes an elongate engagement member carried by the free end of a screen and having an L-shaped member which will slidably engage an elongated connection region formed on the end of a glass insert, and that includes the elongated engagement member extending into screen tracks and between weather stripping, and that also includes at least some of the weather stripping extending toward an adjacent insert track within which the glass insert is slidable.

Jimmy D. Jeter
conf. [Signature]
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